STATEMENT AS TO JURISDICTION.

The jurisdiction of the Supreme Court of the United States upon certiorari is invoked under Section 237 of the Judicial Code as amended by the Act of February 13, 1925, ch. 229, sections 1 and 8(a) (43 Stat. 937, 940; United States Code, Annotated, Title 28, sections 344, 350). The final decree of the Supreme Court of Pennsylvania was entered April 9, 1940. Application for certiorari is herewith presented on the first day of July, 1940.

The validity of a statute or ordinance is not here raised. The questions presented are, in substance, whether the decision of a county board of law examiners refusing to register a law student violates the "due process" clause of the Fourteenth Amendment of the United States Constitution where such decision is apparently based upon (1) the board's disapproval of political opinions which it was noted denied the applicant for registration was legally entitled to hold and which he expressed in direct answer to inquiries made by the board, or (2) reasons which the board has not disclosed to the applicant and thus not afforded him an opportunity to disprove.

It has been contended by petitioner, in the manner and at the stages of the proceedings indicated below, that the first ground of refusal violates said "due process" clause by arbitrarily excluding petitioner from possible future practice of law merely because he exercised his liberty or freedom of speech in an undoubtedly legal manner. It is well-settled by this Court that the protection of the "due process" clause is afforded to freedom of speech and thought; and the following cases are believed to sustain the jurisdiction of the Supreme Court of the United States in this case: *Gitlow* v. *New York*, 268 U. S. 652 (666); *Grosjean* v. *American Press Co.*, 297 U. S. 233 (244); *DeJonge* v. *Oregon*, 299 U. S. 353 (364); *Herndon* v. *Lowry*, 301 U. S. 242 (259); *Palko* v. *Connecticut*, 302 U. S. 319 (324); *Lovell*

v. *Griffin*, 303 U. S. 444; *Schneider* v. *State of New Jersey*, 308 U. S. 147; and *Cantwell* v. *State of Connecticut*, — U. S. —, 60 S. Ct. 900.

It has further been contended by petitioner, as indicated below, that the failure of the county board in the instant case to disclose reasons for its refusal to register petitioner as a law student, and the refusal of the Supreme Court of Pennsylvania to compel any county board to disclose such reasons in similar cases (see last paragraph, page 3 of attached record, citing 333 Pa. 593) are denials of due process within the meaning of the Fourteenth Amendment in failing to give petitioner opportunity to protect himself against arbitrary, unreasonable, or legally groundless exercise of authority by the county board of law examiners.

The four questions presented to this Court on pages 6 to 8 of this petition were raised by petitioner in the Supreme Court of Pennsylvania under the following circumstances:

Petitioner, a citizen of the United States and of the State of Pennsylvania, and a resident of Allegheny County of said state, had filed application for registration as a law student with the Allegheny County Board of Law Examiners and the Board of Law Examiners of the State of Pennsylvania, said boards being the agencies delegated by the Supreme Court of Pennsylvania to administer its rules relating to the admission to the bar in said State and county. Petitioner was refused registration by the Allegheny County Board on November 9, 1939; and in accordance with said rules of the Pennsylvania Supreme Court, petitioner appealed to the State Board of Law Examiners for a review of the County Board's decision. On December 8, 1939, the State Board affirmed the County Board's decision. Neither Board disclosed to petitioner the reasons for its decision; and in view of a controlling decision of the Pennsylvania Supreme Court (333 Pa. 593, 594) stating that such boards

were not required to divulge reasons for their decisions, petitioner did not specifically request either Board to disclose its reasons. Petitioner had, however, at hearings on his application held by the County Board and in correspondence with the County Board, objected to the Board's extensive questioning of him concerning his political opinions, on the ground that the County Board could not render a valid decision based on its disapproval of political opinions petitioner was legally entitled to maintain (R. 2-3). When petitioner, in accordance with Pennsylvania Supreme Court rules and the regulations of the State Board of Law Examiners, forwarded to the State Board a petition addressed to the Supreme Court of Pennsylvania appealing from the decisions of the County and State Boards, he therefore incorporated these objections in his petition to the Pennsylvania Supreme Court (R. 5-6, points 1 to 4). The petition was filed by the State Board on March 29, 1940. The decree of the Supreme Court of Pennsylvania, dated April 9, 1940, dismissing the petition is quoted verbatim herewith:

> We have reviewed this record and are convinced that under the facts the applicant was properly denied the privilege of registering as a student of law. Petition dismissed. April 9, 1940. Per Curiam.

The writ of certiorari prayed for in this Court is to review the foregoing decree of the Supreme Court of Pennsylvania. Jurisdiction is invoked under the statutory provisions listed in the first paragraph of this statement, and cases believed to sustain the jurisdiction of the Supreme Court of the United States are set forth in the second paragraph of this statement.

Respectfully submitted,

MORTON DAVID BLUESTONE,
Petitioner.